

IS PRIVACY STUPID ?

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Monday 28 March 2011

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CCTV are filming us 24/7, social networks are storing our data, our public transport chip-card knows exactly where we are travelling and our bodies are even fully scanned before entering the planes. We could easily follow Scott McNealy's opinion admitting: "privacy is dead" (quoted in Meeks, 2000). Yet the year 2010 was a celebration one for Mark Zuckerberg, elected person of the year by *TIME Magazine* as well as a climax in the concerns about privacy. Artists, technical experts and associations are actively fighting for our rights in that direction. However, nobody seem to wonder if privacy really matters in the end. This essay will bring into question the always taken for granted need for privacy, by looking first at how it is endangered, then envisioning a world where everything would be public, in order to discuss about the evolution of the private sphere.

STAY AWAY FROM MY DATA

Privacy belongs to us. John McGrath in his book *Loving Big Brother* states "the idea of privacy as a possession that we need to protect is deeply embedded in our culture" (Grath, 2004, p. 56). Jorinde Seijdel, editor of the *Open cahiers*, even go as far as considering it a "defensive right [...] not just a legal but also a political and social construction" (Seijdel, 2010, p. 4). Beyond the legal matter, how are we affected as human beings to the lack of privacy?

It is not just a question of fundamental right. On a daily level, being confronted to a public require more efforts than just being yourself because every move you make is prone to being remembered and judged by the others. It might also be that you are not proud of everything about you or that in some situations you'd rather be left alone to have some time with yourself. Joris Van Hoboken from *Bits of Freedom* considers "having nothing to hide is [...] a luxury" (Van Hoboken, 2010, p. 89). We are indeed expressing a fundamental need for a secret garden, what Daniel J. Solove calls "free zones for individuals to flourish" (Solove, 2010, p. 42). Those free zones enable the experience of a more personal self, controlling what is to be shared, in that some information might hurt. Wayne Forrester for instance stabbed his wife to death because she declared to be single on her Facebook profile, days after he had moved out (BBC, 2008). On a larger scale, revealing political cables like wikileaks did a lot the previous year can lead to international conflicts if the information is not carefully handled. That explains why the newspapers payed a meticulous attention during their disclosure process of the cables to the public. A more trivial comparaison can be made after the reception of undesirable personalized ads. Darrin Shamo, the director of direct marketing at Zappo learned that:

"People get upset when their computers shows lingerie ads, even if they had been recently shopping for G-strings, since people share computers and use them in front of their kid." (quoted in Stein, 2011)

Despite the good will of the companies that supposedly only try to match us with the perfect advertisement, holding many information about people can contribute to discrimination. Let's say you've got a passion for fishing, the system will propose you items you really need, but to a price higher than usual, because it understand it is essential for you. Even worse, insurance companies could have access to all the data from your past, including your previous health records. It would certainly influence the price of your contract. Joel Stein from TIME magazine interviewed Michael Fertik, the CEO of *Reputation.com*, who believes:

"If data mining isn't regulated, everyone will soon be assigned scores for attractiveness and a social-prowess index and a complainer index, so companies can avoid serving you." (quoted in Stein, 2011)

Those worries go for what is considered private but a in society where information has never been so easy to access, even public data deserve protection. Facebook is being blamed for storing all kind of information, even if most of them are public ones: our names are written in our mail boxes, our phone number can be found in the phone book, google street view is showing a house that every pedestrian can look at. What has changed however is how simple it is to acquire those data. There is a difference between 'public' and between 'immediately accessible'. It doesn't involve particular effort anymore, one can get instant access to everything about you within a few clics. It gets scary with the 'presence awareness' programming concept which consists in knowing immediately where you are, giving the opportunity to check if your house is currently available to rob. As a consequence monitoring has never been so easy, Paul Chambers could testify. He has been arrested under terrorism provisions because of his joke he posted on twitter on bombing an airport if he couldn't catch his plane on time. For Owen Mundy, creator of *Give Me My Data*, Facebook is representing "probably the most effective surveillance machine in the history of mankind" (Mundy, 2010), and he also is apprehensive about what a corrupted state could do with those data:

"The amount of control a government could levy through a combination of deep packet searching and outrightly ignoring human rights is staggering."
(Mundy, 2010)

We have to admit the intimacy of our lives is in danger, what we need plan out is the way we are we supposed to react.

EMBRACING TOTAL OPENNESS

What if we didn't need privacy anymore? The notion of privacy has been invented during the 17th century, with the emergence of the capitalism and the raising of the middle clas. It didn't exist in the Middle Ages and referring to Christian Heller in a *Lift* conference he held in 2010:

"If you go to a village in the Middle Ages and ask a peasant about their idea (sic) of privacy, they would not know what you are talking about. They live in a society where everyone knows everyone and where everyone knows everything about everyone." (Heller, 2010)

It left no space for little secrets, or at least those were well kept. The aristocracy didn't have any private life either, as maintaining an enhance public status was essential to the process of keeping up political exchanges with the others. The first practice of privacy appeared when the middle class started to divide the former single inner part of the house into several rooms. Contrary to the old housing model where all the members of the family were sharing the same room for eating and sleeping, those divisions developed the idea of the individualism, offering more personal space but less contact to the others, literally building walls in between.

In that sense, the population of the Middle Ages was experiencing a notion that has been lost since: transparency. While we are fighting for privacy at any cost, clinging to a closed personal space, we are becoming more secretive and in a way losing a bit of our willing to share. Since the main focus of the contemporary privacy debates is the internet, isn't it paradoxical with the free and open philosophy activists are advocating at the same time, arguing "information wants to be free" (Brand quoted in Clarke, 2000)? Sharing is indeed deeply rooted in the architecture of the web. The way it has been built makes it more profitable when a lot of computers are connected together. From this connectiveness you can meet people that share the same passions and discover cultures from all over the world and you gain access to more content and more sharing of knowledge. Transparency means a more balanced society in a sense that everyone can possibly learn the same amount of information as everyone else, because everything becomes public. Not to mention what it brings to science when laboratories from all over the world can exchange in real time the progress of their research. In other cases transparency would trigger more tolerance. Heller takes the example of the sexual revolution that led a lot of homosexual people to do their coming out:

"They organized stuff like gay pride parades, created a certain self respect for themselves in the public sphere and forced society to develop more tolerance."
(Heller, 2010)

From a security point of view, transparency is a very effective way of getting to know people and potentially recognizing and identifying criminal behaviours. When the information is not hidden, it doesn't require any special measures to obtain it, reducing the need for control: more information means more trust, less control thus less fear, "more precise punishments" (Heller, 2010) thus less criminals.

Data is becoming common property. It becomes clear when you look at studies like reality mining which analyzes wireless devices to identify the actions, places and people we are communicating with. It could lead to a deeper understanding of human society and this understanding could help us improving the way we are living.

Let's have a more fatalistic point of view. All the considerations cited before are insignificant because privacy is doomed anyway. There are a few chances we can recover the initial shape of privacy from the Enlightenment, "the sheltering walls of privacy have been digitally dissolved." (Lyon quoted in McGrath, 2004, p.56)

It will be very difficult to build up again those walls. In an evanescent virtual world where the data is flowing, travelling over miles of cables through numerous computers, we are constantly leaving traces of information, sharing our deepest secrets with strangers online and even feeding websites with pictures and precise details about ourselves. We do not possess our data anymore and we'd better 'like it' (© Facebook), because getting your data back is quite a struggle. The Terms Of Services of Facebook used to affirm:

"You own all of the content and information you post on Facebook, and you can control how it is shared through your privacy and application settings."
(quoted in Mundy, 2010)

It gave birth to the application *Give Me My Data*, where in a few clicks, you can retrieve all the content you put on Facebook, although the previous lines has been removed since then. The law is ineffective in most cases of contemporary privacy debates, it's even truer in the digital world where, because no law is precisely regulating the internet, the TOS represent the rule, even if they are constantly being rewritten. The user has no choice but to accept it, otherwise he won't be able to be part of the great services of the web 2.0.

Moreover, the current technology is insecure. Not only companies can access your data with agreements they make with platforms like facebook, 'but data-mining companies are scraping all your personal data that's not set to private and selling it to any outside party that's interested.' (Stein, 2011)

There is no effective way to prevent it due to the open architecture of the web. Fortunately, having our data freely accessible prevent them for being locked in a database. Hasan Elahi made this experience after being suspected terrorism by the FBI by mistake. He created a website which tracks every country he is going to, taking pictures of his meals and updates it frequently:

"Having a little bit information about you can be contextualized and misinterpreted very easily, but by having a large amount of information about you, [...] if you are generating this information, you are in control over your own identity rather than someone else defining your identity." (Elahi, 2011)

Accepting the loss of privacy would require to live in a transparent society where everyone is giving away his data to improve the knowledge, the tolerance, be more in sync with contemporary technologies and believing in a world "more and more open" (Heller, 2011). "Everyone belongs to everyone else" (Huxley, 1932) wouldn't be a scary affirmation anymore.

THE MUTATION OF PRIVACY

Nonetheless, this total openness is very unlikely to happen. The population wouldn't tolerate a change that brutal. It doesn't prevent us from acknowledging we do not live in the 17th century anymore though. Capitalism has evolved and privacy has changed with it. The valuable currency has become the information and people has become commodities. The incredible part is while the companies are collecting our data, they make us forget about privacy. Not so long ago nobody really cared about it, for a good reason, "no one told you that instead of using money, you were paying with your personal information" (Stein, 2011)

You are having fun playing *Farm Ville*, you stay connected with the people you know on Facebook, but you don't realize it's not for free. People are now more informed about the practices behind the social networks and it becomes a matter of balance between gains and losses. You get free content and free incredible applications, only you are paying with you data. Ask yourself if it's worth it.

At least this new economy is a clever proposal to run a sustainable service on the internet according to it's structure, contrary to the record companies that are hanging on to their archaic model of income, by locking their songs with DRM and spending millions against piracy, not trying to look for a new model appropriated to the internet. One can however be dubious about the effects it will have in the long run if only big companies are making a profit out of this information economy.

Besides, a lot of people are suffering from what Russell Glass the CEO of Bizo calls "'the monster-under-the-bed syndrome" (quoted in Stein, 2011). Because we are not sure what they are doing with our data, we start creating a kind of paranoia where we feel there is something wrong, without really knowing what. Sherry Turkle, a professor at MIT is having a research on it:

"In my research, I found that teenagers live with this underlying anxiety of not knowing the rules of who can look at their information on the Internet. They think schools look at it, they think the government looks at it, they think colleges can look at it, they think employers can look at it, they think Facebook can see everything." (quoted in Stein, 2011)

Although from a technical point of view most of their fear are well-founded, they don't realize that most of the data accumulated about us is being read by machines, and that no one is going to check in details who you are and what you do (if you are not a convicted criminal), for a simple reason: there are so many data about everyone out there that it is impossible for a human being to handle them, and not really a reason to do it anyway. Glass is very frank about it: "We really don't give a shit. I just want a little information that will help me sell you an ad." (quoted in Stein, 2011)

Those practices are not even new. We have always been receiving uninteresting catalogues in our mailboxes from companies we've never been in contact with. Agencies are calling us during the lunch break to help us 'saving money' by subscribing to their exceptional contract. It seems natural for commercial companies to transfer this spam invasion to the digital world. Even better news is you have the choice to opt-out of the

digital world anytime. There should be ways to officially unsubscribe from a service, newsletter or a database, but if it's too complicated or impossible, you can still use softwares like *Give Me My Data*, like *ad-block* to stop being track by advertisers, or simply change your email account if you're being spammed too much. And if for some reason the opting-out is still impossible –according to the complex TOS and illegal data-mining going on, there is a big probability it turns out this way– you can choose not to look at the ads, not to open your junk mails or simply to shut down your computer and extract yourself from technology. Internet has evolved in a very powerful tool, but you must play by its rule if you want to take an advantage of it and not having to pay for it with money. You are entering an open world and you must open yourself.

Problem arise when the data gathered about you is wrong:

"It's one thing to see bad ads because of bad information about you. It's another thing if you're not getting a credit card or a job because of bad information."
(Stein, 2011)

After all, it is really a matter of how the data are being handled, because you can do nice things with data. Heller take the example of *biketastic*, a website that "helps bikers find good routes and collect data to improve them" (Heller, 2011). This help can be even more essential, like *patientslikeme* "where people put their medical history online, what sickness they have and how they treat them" (Heller, 2011). The result is a big database where you can compare your disease and feelings about it.

In addition, open should mean open. There should be no barrier nor any restriction. Behind the very pretty facade of the web 2.0 unlimited sharing, our information enter a private database and never get out. Every piece of information is locked into companies servers for commercial purposes and not distributed back to the community. Legal scholar James Boyle call that "digital enclosure [...], ways in which the online commons is being privatized" (quoted in Andrejevic, 2003, p. 34). We should get rid of it.

At last, if one could find the current privacy laws ineffective with regard to contemporary abuses of our data, associations like *Bits of Freedom*, an influential civil rights movement in the Netherlands, helps the situation evolving. Every year they are running the *Big Brother Awards* ceremony, where the worst infringement acts against privacy are being elected. They are very influential in the dutch government. So while we are not allowed enough control upon our data today, it doesn't mean we cannot make the situation evolving in the future:

"The law isn't merely about preserving the existing state of affairs – it is about shaping the future. The law should protect privacy not because we expect it, but because we desire it." (Solove, 2010)

In the end, we are living in a society of information where we rely more and more on the computers and where the internet made you "public by default and private by effort" (Tien quoted in Stein, 2011). As a result, we tend to be more open. If privacy still exists it has taken a new form that is still to be defined, as it has evolved a lot from its 17th century shape. Far from being stupid, it should remain a central consideration if

we want to be part of its new definition. We shouldn't be scared and try to hide from the system, it is crucial to be conscious of this change and to be aware of how our data is being treated, acknowledging the surveillance around us. Privacy won't die as long as we take it by the hand.

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